

AMENDED IN ASSEMBLY MAY 17, 2004

AMENDED IN SENATE MAY 8, 2003

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 524

Introduced by Senator Vasconcellos
(Principal coauthor: Senator Burton)

February 20, 2003

An act to add Section 51220.6 to the Education Code, to amend and repeal Section 11101 of, and to add Section 1686 to the Vehicle Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Vasconcellos. Instruction: *automobile driver training education.*

(1) Existing law requires a driver's license issued to a person under 18 years of age to be issued under the provisional licensing program. Among the components of that program, an applicant for a provisional license is required to provide satisfactory completion of approved courses in automobile driver education and driver training maintained under the Education Code in a secondary school of this state or equivalent instruction in a secondary school of another state. Alternatively, existing law allows the applicant to satisfactorily complete an integrated driver education and training program, or the automobile driver education component may be satisfied through satisfactory completion of equivalent professional instruction acceptable to the Department of Motor Vehicles.

This bill would provide that the satisfactory completion of a course in automobile driver education offered by a private secondary school

satisfies the instructional component requirements of these provisions if specified conditions are met. The bill would impose increased duties on the department regarding home study automobile driver education courses offered by private secondary schools.

(2) Existing law generally regulates driving schools and driving instructors. However, existing law provides, until a July 1, 2004, inoperative date, that those provisions are not to be construed to direct or restrict driver education courses offered by private secondary schools, as defined, or to require credentialed or certified instructors for courses offered by those private schools. Existing law repeals these provisions on January 1, 2005.

This bill would delete the July 1, 2004, inoperative date and the January 1, 2005, repeal date, thereby continuing these provisions indefinitely.

~~Existing law prescribes the requirements for a course of instruction in automobile driver education and provides various plans that meet the requirements for a course of instruction in the laboratory phase of driver education. Existing law requires the Department of Motor Vehicles to conduct a pilot project to compare the effectiveness of driver education programs in classroom-based and nonclassroom-based environments, as specified, and to complete a study concerning this pilot program by May 31, 2003.~~

~~This bill would encourage adoption of the recommendations of the Department of Motor Vehicles contained in a specified study relating to driver training programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature encourages that the~~
2 ~~recommendations of the Department of Motor Vehicles pertaining~~
3 ~~to instruction programs in driver training contained in the report~~
4 ~~required pursuant to Section 12814.8 of the Vehicle Code as that~~
5 ~~Section read immediately preceding January 1, 2004, be adopted.~~

6 ~~SECTION 1. Section 51220.6 is added to the Education Code,~~
7 ~~to read:~~

8 ~~51220.6. (a) For the purposes of subdivision (j) of Section~~
9 ~~51220 and subparagraph (A) or (C) of paragraph (3) of~~
10 ~~subdivision (a) of Section 12814.6 of the Vehicle Code, the~~

1 *satisfactory completion by a pupil of a course in automobile driver*
2 *education offered by a private secondary school satisfies the*
3 *instructional requirements of those provisions if the following*
4 *conditions are met:*

5 *(1) The private secondary school has a current affidavit or*
6 *statement on file under Section 33190 and has operated, using a*
7 *nonclassroom format, for not less than four years.*

8 *(2) The private secondary school utilizes the Department of*
9 *Motor Vehicle's driver education curriculum developed under*
10 *subdivision (f) of former Section 12814.8 of the Vehicle Code in*
11 *providing the automobile driver education course.*

12 *(3) The private secondary school issues certificates of*
13 *completion forms furnished by the Department of Motor Vehicles*
14 *under subdivision (b) of Section 1686 of the Vehicle Code. All*
15 *certificates shall remain under the exclusive control of the private*
16 *secondary school personnel and shall not be provided to a third*
17 *party.*

18 *(4) The private secondary school has provided a minimum of*
19 *2,000 hours of automobile driver education, as described in*
20 *subdivision (j) of Section 51220.*

21 *(5) The instructor providing the automobile driver education*
22 *instruction holds a license as a driving school operator issued by*
23 *the Department of Motor Vehicles in accordance with Section*
24 *11105 of the Vehicle Code.*

25 *(6) The pupil receives a certificate of satisfactory completion*
26 *of the course of instruction described under paragraph (2) on a*
27 *form approved by the Department of Motor Vehicles and provided*
28 *to the school pursuant to subdivision (b) of Section 1686 of the*
29 *Vehicle Code.*

30 *(7) All instructors are employees of the private secondary*
31 *school.*

32 *(8) All payments for the automobile driver education course*
33 *shall be made directly from the pupil to the private secondary*
34 *school.*

35 *(9) The private secondary school procures and files with the*
36 *Department of Motor Vehicles a bond of seventy-five thousand*
37 *dollars (\$75,000) executed by an admitted surety and conditioned*
38 *upon the school not practicing any fraud or making any fraudulent*
39 *representation that will cause monetary loss to a person taking*

1 *instruction from the school or monetary loss to the state or any*
2 *local authority.*

3 *(b) If a private secondary school is unable to meet the*
4 *requirements in paragraph (1) of subdivision (a), the private*
5 *secondary school shall meet the following requirements:*

6 *(1) Submit its course for approval by the Department of Motor*
7 *Vehicles under subdivision (c) of Section 1686 of the Vehicle Code.*
8 *The Department of Motor Vehicles shall determine that the course*
9 *contains all topics from the Department of Motor Vehicles driver*
10 *education curriculum developed under subdivision (f) of former*
11 *Section 12814.8 of the Vehicle Code in providing the automobile*
12 *driver education course. In making this determination, the*
13 *Department of Motor Vehicles shall take into consideration*
14 *methodologies of instruction, and the self-paced nature, and*
15 *interactive aspects of a home study program.*

16 *(2) A home study-based course shall be submitted to the*
17 *department in its finalized format for which the school is seeking*
18 *approval. Course modes of instruction shall include, but are not*
19 *limited to, paper based, Internet based, CD, DVD, video, audio,*
20 *tele-course, or any combination. The Department of Motor*
21 *Vehicles shall approve each course mode of instruction by*
22 *reviewing the course in its finalized format and the delivery method*
23 *for each course shall be in full working order in the mode intended*
24 *for distribution to pupils.*

25 *(3) A private secondary school that submits its home study*
26 *automobile driver education course for approval under this*
27 *subdivision shall include a two thousand dollars (\$2,000) fee for*
28 *each mode payable to the Department of Motor Vehicles.*

29 *SEC. 2. Section 1686 is added to the Vehicle Code, to read:*

30 *1686. (a) The department shall maintain all bonds posted by*
31 *a private secondary school under subdivision (a) of Section*
32 *51220.6 of the Education Code.*

33 *(b) The department shall provide to a private secondary school*
34 *that offers an automobile driver education course in accordance*
35 *with Section 51220.6 of the Education Code certificates, forms,*
36 *and booklets to be executed and issued by the school to a person*
37 *who enrolls or completes, or both, that course.*

38 *(c) The department shall approve courses and course modes*
39 *that are submitted to the department by private secondary schools*
40 *under subdivision (b) of Section 51220.6 of the Education Code.*



SEC. 3. *Section 11101 of the Vehicle Code, as amended by Section 2 of Chapter 774 of the Statutes of 2002, is amended to read:*

11101. (a) ~~The provisions of this~~ This chapter ~~shall~~ does not apply to any of the following:

(1) Public schools or educational institutions in which driving instruction is part of the curriculum.

(2) Nonprofit public service organizations offering instruction without a tuition fee.

(3) Nonprofit organizations engaged exclusively in giving off-the-highway instruction in the operation of motorcycles, if the course of instruction is approved by the National Highway Traffic Safety Administration and is not designed to prepare students for examination by the department for a class 4 drivers license.

(4) Commercial schools giving only off-the-highway instruction in the operation of special construction equipment, as defined in this code.

(5) Vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles.

(6) Employers giving instruction to their employees.

(7) Commercial schools engaged exclusively in giving off-the-highway instruction in the operation of racing vehicles or in advanced driving skills to persons holding valid drivers' licenses, except whenever ~~such~~ that instruction is given to persons who are being prepared for examination by the department for any class of driver's license.

(b) For purposes of this section, "racing vehicle" means a motor vehicle of a type ~~which~~ that is used exclusively in a contest of speed and which is not intended for use on the highways.

(c) (1) Nothing in this chapter shall be construed to direct or restrict courses of instruction in driver education offered by private secondary schools or to require the use of credentialed or certified instructors in driver education courses offered by private secondary schools.

(2) For the purposes of this section, private secondary schools are those subject to ~~the provisions of~~ Sections 33190 and 48222 of the Education Code.

~~(d) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute that~~

1 ~~is enacted before January 1, 2005, deletes or extends the dates on~~
2 ~~which it becomes inoperative and is repealed.~~

3 *SEC. 4. Section 11101 of the Vehicle Code, as added by*
4 *Section 2.5 of Chapter 774 of the Statutes of 2002, is repealed.*

5 ~~11101. (a) The provisions of this chapter shall not apply to~~
6 ~~any of the following:~~

7 ~~(1) Public schools or educational institutions in which driving~~
8 ~~instruction is part of the curriculum.~~

9 ~~(2) Nonprofit public service organizations offering instruction~~
10 ~~without a tuition fee.~~

11 ~~(3) Nonprofit organizations engaged exclusively in giving~~
12 ~~off-the-highway instruction in the operation of motorcycles, if the~~
13 ~~course of instruction is approved by the National Highway Traffic~~
14 ~~Safety Administration and is not designed to prepare students for~~
15 ~~examination by the department for a class 4 drivers license.~~

16 ~~(4) Commercial schools giving only off-the-highway~~
17 ~~instruction in the operation of special construction equipment, as~~
18 ~~defined in this code.~~

19 ~~(5) Vehicle dealers or their salesmen giving instruction without~~
20 ~~charge to purchasers of motor vehicles.~~

21 ~~(6) Employers giving instruction to their employees.~~

22 ~~(7) Commercial schools engaged exclusively in giving~~
23 ~~off-the-highway instruction in the operation of racing vehicles or~~
24 ~~in advanced driving skills to persons holding valid drivers'~~
25 ~~licenses, except whenever such instruction is given to persons who~~
26 ~~are being prepared for examination by the department for any class~~
27 ~~of driver's license.~~

28 ~~(b) For purposes of this section, "racing vehicle" means a~~
29 ~~motor vehicle of a type which is used exclusively in a contest of~~
30 ~~speed and which is not intended for use on the highways.~~

31 ~~(c) This section shall become operative on July 1, 2004.~~